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CHRISTINE DOUGHERTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY,

Plaintiff,

v.

AMCO INSURANCE COMPANY and
DOES ONE through TWENTY, Inclusive,

Defendants.

NO. C 07-01140 MHP

**[PROPOSED ORDER RE: MOTION
FOR SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT, AND
CROSS-MOTION FOR
CONTINUANCE PURSUANT TO
FRCP 56(f)]**

Date: April 28, 2008

Time: 2:00 p.m.

Judge: Hon. Marilyn Hall Patel

Dept.: 15

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San Francisco, CA 94104

1 Defendant's Motion for Summary Judgement, or in the Alternative, Partial
2 Summary Judgment came on for hearing on April 28, 2008 at 2:00 p.m. in Department
3 15 of the above-entitled court, the Honorable Marilyn Hall Patel presiding. Stephen M.
4 Murphy appeared on behalf of Plaintiff CHRISTINE DOUGHERTY. Julian J. Pardini
5 appeared on behalf of Defendant AMCO INSURANCE COMPANY. After reviewing
6 the papers submitted in support of and in opposition to the motion, and after hearing
7 oral argument, the Court finds as follows:

8 Defendant's Motion for Summary Judgement, or in the Alternative, Partial
9 Summary Judgment is DENIED as to both liability on all causes of action and punitive
10 damages on Plaintiff's cause of action for Breach of Covenant of Good Faith and Fair
11 Dealing.

12 Plaintiff has established triable issues of material facts as to the following: 1)
13 whether Defendant breached its contractual obligations under the policy it issued to
14 Plaintiff; 2) whether Defendant unreasonably withheld policy benefits due to Plaintiff
15 pursuant to her underinsured motorist claim; 2) whether Defendant unreasonably
16 failed to investigate the Plaintiff's underinsured motorist claim; 3) whether Defendant's
17 managing agent(s) approved or ratified Defendant's unreasonable acts with regard to
18 Plaintiff's underinsured motorist claim.

19 Because Defendant's Motion for Summary Judgement, or in the Alternative,
20 Partial Summary Judgment is DENIED in its entirety, Plaintiff's Cross-Motion for
21 Continuance Pursuant to Federal Rule of Civil Procedure 56(f) is moot.

22 IT IS SO ORDERED.

23 DATED: _____

24 _____
25 HON. MARILYN HALL PATEL
26 Judge, United States District Court
27 Northern District of California
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